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Fifty-fourth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 April 1998, at 3 p.m.

<u>Chairman:</u>	Mr. SELEBI	(South Africa)
later:	Mr. GALLEGOS CHIRIBOGA	(Ecuador)
later:	Mr. HYNES	(Canada)

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TRIBUTE TO THE MEMORY OF MR. EDUARDO UMAÑA MENDOZA, HUMAN RIGHTS DEFENDER

The meeting was called to order at 3 p.m.

STATEMENT BY MR. MIGUEL OYONO NDONG MIFUMU, FIRST DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION OF EQUATORIAL GUINEA

1. Mr. OYONO NDONG MIFUMU (Equatorial Guinea) expressed his Government's determination to continue cooperating with the Commission and the Office of the High Commissioner for Human Rights with a view to guaranteeing full respect for human rights in his country and throughout the world. As his Government had shown by maintaining open and frank relations with the Special Rapporteur of the Commission, it considered cooperation with the United Nations to be a way of strengthening the democratic process and educating the people on human rights matters. It had accepted the criticism levelled at it through democratic processes and would continue to take such measures as it deemed necessary in order to remedy observed shortcomings. Democracy must be constantly strengthened. For example, it was not sufficient to send a special rapporteur to Equatorial Guinea to improve the human rights situation there: the country's essential technical assistance needs must also be met. Equatorial Guinea came before the Commission not as a defendant, but as a State party to all the human rights conventions expecting to receive increased support from the United Nations for its action in defending human rights, as a State responsible to its people and not to other States whose political, economic and sociocultural interests were completely unrelated to its own situation and needs.
2. The current President's entry into office on 3 August 1979 had put an end to the bloodiest dictatorship Africa had ever known and paved the way for the exercise of human rights in his country. It was regrettable that some States were judged by the yardstick of foreign interests or according to whether they were liked or disliked. International peace and security were essential requirements for guaranteeing the enjoyment of human rights and civil liberties. Equatorial Guinea had acceded to the international human rights instruments in full sovereignty and for the good of its people. There was no institutionalized policy of human rights violation in the country. The Government opened inquiries into any violations in accordance with the law, endeavouring at the same time to combat impunity and establish a culture of human rights in order to eliminate, or at least mitigate, the colonial attitudes absorbed by the people during 200 years of colonization and 11 years of dictatorship. He hoped that the international community would support its efforts, despite the conspiracies and acts of terrorism which were leading the country to destabilization and violence.
3. Equatorial Guinea had been the victim of two attempts at armed destabilization in the previous 12 months, one in May 1997 by a group of mercenaries hired by obscure interests and the other on 21 January 1998 by a group of terrorists on the island of Bioko. All the people involved in those incidents were currently awaiting trial. They would be tried in public, and interested international observers were invited to attend. During the weeks following those unfortunate incidents, Equatorial Guinea had been the subject of a denunciation campaign by certain political circles and the press in a few countries, as well as NGOs such as Amnesty International, which had levelled groundless charges at the Government for alleged acts of genocide,

extrajudicial executions, massacres and destruction of villages. The Special Rapporteur having rejected those charges, the Government reiterated its invitation to Amnesty International and other NGOs to visit the country in order to assess the human rights situation on the spot. There was no justification for the terrorist acts committed on the island of Bioko, which had always been an integral part of the territory of Equatorial Guinea and had been placed under the same political administration as the rest of the country. The existence of different ethnic and cultural groups was an asset to the people of Equatorial Guinea. Like the rest of the country, those groups had been colonized and had all fought for independence.

4. The State of Equatorial Guinea was based on the principles of national unity, territorial integrity, peace and justice. Any claim that did not challenge those principles belonged in the national political debate. His Government requested that renewal of the Special Rapporteur's mandate should be viewed as a means of strengthening the activities of the Centre for Human Rights and the recently-established democracy in order to promote a human rights culture in Equatorial Guinea. He invited all nationals of Equatorial Guinea residing abroad allegedly for political reasons to participate in the democratic process under way, as there was nothing to prevent them from returning.

5. In conclusion, his Government asked both its friends and critics to provide Equatorial Guinea with the technical assistance it needed in order to consolidate and maintain the positive changes that had occurred in the country.

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(agenda item 20) (continued) (E/CN.4/1998/99, 100, 101 and Add.1 and 2, 102, 103 and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

6. Ms. COLES (Australia) welcomed the fact that there were currently 191 States parties to the Convention on the Rights of the Child, and urged the small number of States which had not yet ratified the Convention to do so as soon as possible.

7. There remained the challenge of implementing the Convention at the national level. Australia had submitted its first periodic report to the Committee on the Rights of the Child in September 1997 and had been commended

by the Committee for its wide range of welfare services for children, its advanced education and health systems, and its commitment to international development assistance. It would give careful consideration to the Committee's suggestions and recommendations, which related to issues such as minimum age in respect of employment and the situation of indigenous children.

8. While national action was essential, strategies were needed at the regional and international levels for tackling problems of a cross-border nature such as trafficking in children, child sex tourism and child pornography. In 1997, Australia and the Philippines had concluded a memorandum of understanding to combat child sexual abuse and other serious crimes. Her Government also helped Governments in developing countries to tackle the sexual exploitation of children. At the national level, the Government was developing an agenda for action following the 1996 World Congress against Commercial Sexual Exploitation of Children. Her delegation hoped that the work on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography would result in an effective instrument; it would be pleased to participate in the proposed informal consultations to finalize the draft protocol at the following session of the Working Group.

9. She welcomed the fact that consultations were to be held on the draft optional protocol to the Convention on involvement of children in armed conflicts, and urged the Working Group to make every effort to complete the drafting of the protocol at its following session. On a related issue, Australia recognized the plight of child victims of anti-personnel landmines, and supported mine awareness and rehabilitation programmes focusing on school-age children in Afghanistan, Angola, Cambodia and Laos. It strongly supported international initiatives aimed at restricting and prohibiting the indiscriminate use of such mines, and welcomed the fact that the Protocol to the Convention on Certain Conventional Weapons banning anti-personnel landmines had been opened for signature in December 1997.

10. With regard to the problem of exploitative child labour, Australia hoped that the ILO would in 1999 adopt a new instrument on the most intolerable forms of child labour, which, together with developments in the area of codes of conduct, would provide for more effective action to speedily eliminate the worst forms of child labour.

11. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that she would focus on the issue of children affected by armed conflicts: children who were recruited as soldiers and physically and psychologically disabled, mutilated by landmines and separated from their families, children whose childhood had been stolen from them and whose future was affected by the consequences of their exposure to violence, children living in a culture of violence and committing acts of violence themselves. The Federation, working through its worldwide network of 175 societies to improve the situation of the most vulnerable, considered 18 to be the only acceptable minimum age for both recruitment into the armed forces and participation in armed conflicts, as recommended by the twenty-sixth International Conference of the Red Cross and Red Crescent.

12. According to the 1995 International Red Cross and Red Crescent Plan of Action on Children in Armed Conflict, any direct or indirect participation in armed conflict by children under the age of 18 should be prohibited, the minimum age for recruitment (voluntary or compulsory) should be 18, and the rules should apply to both government and non-government forces and to international and non-international conflicts. The Plan also called for protection and assistance to children affected by armed conflicts, including their rehabilitation and reintegration into civilian society. Many national Red Cross and Red Crescent societies, for example in Spain, Canada and the Baltic and Nordic countries, were undertaking national, regional and interregional advocacy initiatives to raise the awareness of Governments and the public.

13. While welcoming the efforts of the Working Group on a draft optional protocol on involvement of children in armed conflicts, the Federation was extremely disappointed at the lack of consensus on such an urgent issue and would continue to work actively to achieve consensus. It was also deeply concerned about other issues under item 20, and drew attention to the plight of children whose situation was adversely affected by economic sanctions.

14. Mgr. BERTELLO (Observer for the Holy See) said that problems relating to children were among the most urgent because childhood was an essential stage of life which all children - as human beings rather than miniature adults - were entitled to live to the full. The Convention on the Rights of the Child, which gave a complete picture of childhood, was a sign of hope for the future. Adults and everyone responsible for helping children to develop and forge their identities, beginning with the family, had a vital role to play in building around children the human and emotional structure that was essential to their full growth, and in helping to guide them through a constantly changing social environment that was subject to the influence of other sources of information and education.

15. The fact was, however, that there were children growing up in solitude because of psychological damage caused by tensions between their parents or family break-ups. Others were subjected to abuse and ill-treatment which had devastating effects on their development. There were children who were openly taught to despise, and even exterminate people who belonged to a different social, ethnic or religious group. Lastly, there were those who took part in armed conflicts. Was it surprising that such children grew up to become adults who saw violence as the only means of dealing with difficult situations? His delegation could only express its deep disappointment at the deadlock in the Working Group's efforts to establish a draft optional protocol on involvement of children in armed conflicts.

16. In helping to resolve the difficulties encountered by society in protecting and rearing children, the Catholic Church, through its network of educational and assistance activities, cooperated with the competent authorities in improving the lot of children, especially the most disadvantaged, who early in life suffered physically and emotionally, and in securing respect for their dignity, culture and human and religious development.

17. Mr. GARNJANA-GOONCHORN (Observer for Thailand) said that his country, which had been cited by the High Commissioner for Human Rights as one of the two countries in the world where the problem of trafficking in women and girls was the most serious, readily acknowledged the existence of the problem and was determined to confront it squarely. The sexual exploitation of children for commercial purposes (and the related problem of trafficking in women and children) was a universal and transnational problem which, in the form of sexual tourism, had grown alarmingly in the past decade and whose root causes - global demand and local supply - must be tackled simultaneously through close international cooperation. Thailand therefore welcomed the fact that many countries had adopted extraterritorial criminal legislation. For its part, it had subscribed to the Stockholm World Congress Declaration and Agenda for Action, and had adopted a national plan of action for the prevention and eradication of the commercial sexual exploitation of children. The revised Prostitution Prevention and Suppression Act had come into force in 1996. It was based on the new premise that prostitutes were in fact victims, and increased the penalties for brothel-owners, procurers, clients and even parents who colluded in sending a child into prostitution. The 1928 Traffic in Women and Girls Act had been updated to afford protection to boys. The Penal Code and the Criminal Procedure Code had been amended to make trafficking punishable in Thailand, no matter where the offence was committed.

18. The new Thai Constitution should also play an important role in shaping future domestic laws. Article 43 of the Constitution had raised the period of compulsory education from 9 to 12 years; school attendance and higher educational standards should help protect children at risk from trafficking. Article 53 further provided that it was the duty of the State to protect all children and juveniles from abuse.

19. At the regional level, his Government continued to foster close cooperation between countries in the Mekong region in combatting cross-border trafficking.

20. Those far-reaching legal reforms, the strengthening of law enforcement measures, the basic rights guaranteed in the Constitution, the intensified cooperation at the regional and international levels, and the active support of NGOs and civil society showed that his Government was taking determined action to combat the problem of trafficking in women and children and to eradicate child prostitution.

21. Ms. ASTRUP (Observer for Norway) said that because the Convention on the Rights of the Child dealt specifically with children's rights from a holistic approach, it was an extremely important working tool for combatting the abhorrent practices to which many children were subjected. Given the interdependence of all human rights, Norway believed that promotion of children's right to education would also have an effect on respect for the other rights of the child, and it strongly supported the appointment of a special rapporteur on the right to education. It also welcomed the implementation handbook for the Convention developed by UNICEF which should help States to intensify their efforts in that area, and noted the important role played by the NGOs, particularly in enabling children to participate constructively in society.

22. In October 1997, Norway had hosted an international conference on child labour which had culminated in an Agenda for Action stressing the importance of universal primary education. In the framework of development aid, her Government would set aside nearly \$30 million over the following three years to combat child labour.

23. The use of children in armed conflicts was a very serious humanitarian problem affecting more than 200,000 children throughout the world. Her delegation emphasized the need to reach agreement on a draft optional protocol as soon as possible, and hoped that all Governments would support the work of the Special Representative on the impact of armed conflict on children. In that context, she expressed deep concern at the revolting incidents involving the kidnapping of children in northern Uganda, which showed how necessary it was to put children's interests first. She welcomed the adoption of the Protocol to the Convention on Certain Conventional Weapons banning anti-personnel landmines.

24. She sincerely hoped that the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography would be able to reach agreement on a text at its following session, and stressed the need for urgent measures to protect children from all forms of sexual abuse and exploitation. In that connection, she reiterated Norway's support for the important work of the Special Rapporteur on the question.

25. With a view to the tenth anniversary of the adoption of the Convention, she expressed the hope that those Member States which were not yet parties would seriously consider acceding to the Convention, and urged those States which had entered reservations contrary to the object and purpose of the Convention to withdraw them.

26. Mr. VIGNY (Observer for Switzerland) said that, despite the near universal ratification of the Convention on the Rights of the Child, some very general reservations weakened its provisions and even ran counter to its object and purpose in some cases. His Government invited Iran, Malaysia, Singapore, Saudi Arabia, Brunei Darussalam, Djibouti, Indonesia, Pakistan, Qatar and Syria, among others, to withdraw or amend their reservations.

27. Children's most elementary rights were flouted in armed conflicts. Switzerland, which had provided financial support for the activities of the Special Representative of the Secretary-General on the impact of armed conflicts on children, hoped that the administrative difficulties he was encountering would be promptly overcome. In that context, the international community had begun the preparation of a draft optional protocol to the Convention on involvement of children in armed conflicts. But the Working Group had not been able to reach a consensus on some essential points, and its work had concluded prematurely. Convinced that special protection should be afforded to children up to the age of 18 against all forms of recruitment and participation in hostilities, Switzerland was in favour of amending the procedure for reviewing the draft protocol; at the current stage, informal consultations were needed in order to pave the way for further negotiations.

28. Another cause for disappointment was the slow pace of progress on the preparation of a protocol to the Convention on the sale of children, child

prostitution and child pornography. As the sexual exploitation of children was a cross-border phenomenon, improving cooperation among States was essential, especially in combatting sexual tourism. Switzerland earnestly hoped that the protocol would be completed rapidly, in time for submission to the General Assembly on the tenth anniversary of the Convention.

29. A convention on measures to combat the most intolerable forms of child labour was due to be formulated at the following International Labour Conference. In view of its experience in the field of labour and its tripartite structure, ILO provided the most appropriate framework for the preparation of such an instrument. In preparing the text, however, care must be taken to avoid any conflict with the Convention on the Rights of the Child. In that connection, he noted with appreciation that the definition of the child in the ILO draft set the age of majority at 18, as stipulated in the Convention. However, as the ILO draft also dealt with child prostitution and child pornography, there was a risk that it would overlap with the future protocol on the subject: there, too, coordination was essential.

30. Mr. JAHROMI (Observer for the Islamic Republic of Iran) said that, to fulfil the commitments which it had accepted on acceding to the Convention on the Rights of the Child in early 1994, his country had set itself several objectives as part of its second five-year development plan. Regarding the right to education, measures had been taken to ensure that all children aged 6 to 10 attended school by the year 2000. The current school enrolment rate was 98.6 per cent, with girls accounting for 48 per cent of pupils. In fulfilment of its international obligations, the Government was currently providing for the education and health care of up to 106,000 Afghan and 25,000 Iraqi children. An organization had been established to provide services for physically and mentally disabled children. Its activities in 1996-1997 had covered a total of 64,000 people.

31. As the health issue was the basis for the future development of children, in a country where 46 per cent of the population was 18 or below, the Government's health policies focused on that age group. On that basis, his country had immunized 99.8 per cent of its children against polio, including all refugee children.

32. Given the essential role of legislation in establishing conditions conducive to children's physical, mental and psychological development, the authorities had recently enacted several laws, in particular establishing special courts to protect the family and amending article 1173 of the Civil Code with respect to child custody.

33. The implementation of the Convention was rooted in Iran's rich cultural background and religious beliefs, and some of the serious problems of many developed and developing countries (street children, sale and sexual exploitation of children) were rare or unheard of.

34. Mr. ISRAELI (Observer for Israel), reviewing the emergency services for abused children in his country, said that immediate short-term protection was provided by placing children with "shelter families", which kept them until the situation could be evaluated and a treatment plan devised. There were also six emergency centres for children, five serving the Jewish population

and one the Arab population. They took in children in need of immediate protection for up to three months and evaluated the situation of the child and the family in order to design a long-term treatment plan. Child protection teams operated in the emergency rooms of 26 general hospitals. Composed of a social worker, doctor and nurse, they instructed the hospital staff in dealing with cases of suspected abuse and neglect.

35. Several organizations had hotlines for children suffering from abuse. The Israeli Centre for Treatment of Child Sexual Abuse (MEITAL) provided victims and their families with specialized services and also treated adults who had been sexually abused as children. The Association for Protection of the Child (ELI) did similar work, offering therapeutic services for children who had suffered physical, emotional or sexual abuse.

36. Many government agencies and NGOs were active in raising awareness of child abuse. The child protection services of the Ministry of Labour and Social Affairs devoted great efforts to promoting awareness and enhancing the sensitivity of the public and professionals to signs of child neglect or abuse. The curricula of many schools and teaching colleges included courses or activities on prevention of abuse. The Prime Minister's Office had recently launched an extensive media campaign to raise awareness and prevent all forms of family violence. Child advocacy organizations, such as the National Council for the Child and ELI, devoted part of their efforts to educating the public about those issues, and community centres for culture, youth and sport offered courses for parents on how to raise children without violence. There were radio and television programmes about abused children and they showed how children could seek help.

37. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

38. Ms. SANCHEZ REYES (Observer for Nicaragua) said it was regrettable that the working groups dealing with the rights of the child had not made more substantial progress; despite the large number of accessions to the Convention on the Rights of the Child, children's rights were still being violated on a huge and dramatic scale in all regions of the world. Nicaragua had ratified the Convention in 1990, and it had been vested with constitutional status in 1995. The National Commission for the Promotion and Defence of the Rights of the Child had been established in 1994 and had helped to prepare the Children's and Young People's Code in an effort to fill legislative and judicial gaps. On 22 March 1998, the legislature had adopted the Code, which paved the way for a new juridical culture with regard to children's rights by stipulating that the implementation of rules was a matter not only for the judicial system, but for all the country's inhabitants. The Code also introduced a juvenile justice system. In 1996, a law had been enacted to combat violence in the family, extending that concept to include psychological violence. In 1997, the Office of the Human Rights Procurator had been established; one of its divisions was the Office of the Children's Procurator.

39. The Nicaraguan authorities were also devoting their attention to the problem of child labour in an effort to combat its causes and eradicate it for good. In April 1997, the Office of the President of the Republic had issued a decree establishing the National Commission for the Progressive Elimination of

Child Labour and the Protection of Juvenile Workers. The new Labour Code contained an entire chapter on that question. That very day, the capital of Nicaragua was hosting the Global March against Child Labour.

40. As the country had been in a state of war for more than a decade, the fundamental rights of many Nicaraguan children had been violated; some were still suffering the effects of the conflict, such as anti-personnel mines, which still peppered the border areas. States should take a decision to frame an optional protocol on landmines.

41. Despite the country's economic difficulties, the Government was aware of the need to invest in its most important asset i.e. children. It devoted more than 37 per cent of the national budget to the social sector and allocated four times as many resources to education as to the army. Action in support of children had become a priority for Nicaraguan society.

42. Ms. GICHERU (Observer for Kenya) said that her country, which had been among the first to ratify the Convention on the Rights of the Child, was also preparing to ratify the African Charter on the Rights and Welfare of the Child. A comprehensive children's bill should be adopted by the end of June 1998. It would take precedence over all existing laws, whether cultural, religious or statutory, and would prohibit marriage of children below the age of 18.

43. Her delegation agreed with the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101/Add.1) that poverty and the breakdown of traditional family values were partly to blame for the moral disintegration of society, which had made children vulnerable to sexual exploitation. But it did not agree with the Special Rapporteur that families sent children out to earn money through prostitution as a result of traditional cultural practice. Factors such as rural exodus had led families to involve children in various kinds of work in order to supplement the family income, sometimes without supervision.

44. Her Government was deeply concerned about the growth of that problem and had taken a multi-faceted approach to combating it, creating an effective legal and administrative framework for doing so. A national policy was in the process of being adopted, to ensure that child labour issues were incorporated into government programmes and budgets. In the same vein, the future comprehensive bill on the rights of the child would ensure the allocation of financial resources for government-sponsored programmes aimed at the enforcement of children's rights. Work on a penal system for sexual exploitation of children and other child-related offences was also under way. She noted, however, that existing laws, while not comprehensive, did provide a basic framework for the punishment of those involved in the sexual exploitation of children.

45. Kenya welcomed the expanding role of ILO in the fight for the elimination of child labour and was grateful for the assistance of donors for projects implemented in Kenya, which included projects in the framework of the International Prevention and Elimination of Child Labour Programme (IPEC). During the period 1995-1997, over 20 programmes had been initiated with a view to the enactment of laws, policy support, capacity building, awareness-raising

and the promotion of networking. Programmes for the next biennium included support for street children by reintegrating them into formal and non-formal education, the creation of income-generating activities for the parents of child workers, including those involved in prostitution, counselling activities, health provision, and the establishment of rehabilitation centres and "peace houses". Other programmes aimed at setting up income-generating activities in schools. Those, coupled with the effort of the Ministry of Education to ensure compulsory free education for all children, would constitute incentives to parents to send their children to school.

46. Mr. Hynes (Canada) took the Chair.

47. Ms. TUHOV-AKOVA (Observer for Slovakia) said that her country was complying with the conclusions of the Stockholm World Congress and seeking ways to combat the exploitation of children through prostitution and pornography and all the other violations to which they were subjected. In that context, particular attention was given to children's needs for medical care and for psychological rehabilitation and social reintegration services. Education and prevention activities were also conducted in an effort to raise children's and families' awareness of the problem. As a result of the authorities vigilance, there were few cases of child prostitution or child pornography. At the international level, the Slovak police cooperated closely with foreign police forces, through the Slovak section of INTERPOL, in investigating such practices.

48. Her delegation welcomed the progress achieved by the Working Group on a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography. There is no doubt that the protocol would enhance and clarify the Convention's provisions. In order for it to live up to expectations, a greater number of NGOs should be involved in its preparation.

49. Mr. KHAN (International Progress Organization) drew the Commission's attention to the rampant abuse of children's rights in some parts of south Asia, where terrorists and mercenaries were forcing children to join training camps and to serve as messengers and conduits for arms and explosives. A number of such children had been rescued and had narrated their traumatic experiences at the hands of those who, in the name of perverted ideologies, sought to turn them into instruments of death. Girls suffered even more in terms of violence and sexual exploitation. In Afghanistan and Kashmir, armed terrorists had forced many children to leave their homes and live in refugee camps. Many had seen their parents murdered.

50. The situation in the developing countries was certainly not encouraging. Every day the media showed pictures of maimed children, scantily-dressed begging girls dancing before leering audiences, and young children with guns and bombs in their hands. It was time to act, not only by drafting protocols but by forcing Governments to take substantive action on the ground.

51. Children throughout the world were subjected to daily abuse, facing a living death, while their murderers went about their lives with complete impunity. The international community must demand that Governments reform

their legal structures in order that citizens found guilty of abuse of children might be treated like the killers they were, for what they were killing was the future of mankind.

52. Ms. McCONNELL (Nord-Sud XXI) said that the embargo in Iraq continued to have serious effects on the lives of children. Such was the verdict of the statistics produced by the Economic and Social Council, which had recently condemned the embargo as contrary to the principles of the International Bill of Human Rights. According to figures published by the Iraqi Ministry of the Interior, infant mortality due to malnutrition had risen from 800 recorded cases in 1989 to 30,000 in 1997. The Appel Franco-Arabe Association had reported a dramatic increase in the occurrence of leukaemia and heart and lung diseases in children. Those conditions were usually treatable, but the shortage of medicines complicated the doctors' task.

53. In contravention of article 38 of the Convention on the Rights of the Child, Tamil children were regular victims of artillery shelling and indiscriminate aerial bombing by the Sri Lankan army in North-Eastern Province. The attacks were a recent variation on a sustained strategy of collective punishment directed against Tamil civilians, irrespective of gender or age, by the Sri Lankan authorities. In June 1990, the Government had imposed a food embargo, including food for children. Consequently, starvation among children was common.

54. Existing health services were grossly insufficient. In one district, for example, there were only 11 midwives for a population of 200,000. Children weakened by malnutrition were easy prey for malaria and typhoid, for which there was a shortage of medicines. Because the supply of antibiotics was severely restricted, infant mortality had risen sharply. Bombings had destroyed 20 per cent of schools, and the armed forces were occupying many of the remaining schools. According to the Ministry of Education, 120,000 children had no access to educational facilities.

55. At the checkpoints manned by the Sri Lankan armed forces, children had been arbitrarily arrested and many of them had disappeared. Arrested girls had been gang-raped by the Sri Lankan security forces; rape was routinely used as a weapon of war against Tamil girls and women. Tamil children in refugee camps were the most vulnerable to sexual abuse. Her organization urged the Commission on Human Rights to condemn the violations of the rights of Tamil children to health, education and life itself.

56. Lastly, the Sri Lankan Government had turned a blind eye to the sexual exploitation of Sinhalese children by sex tourists. The concern expressed in official circles was no more than a token gesture.

57. Mr. ACHOUR (Tunisian Education and Family Organization) said that his organization worked for the protection of children in the family, in school and throughout society. It organized cultural and recreational activities, took care of needy families and worked with children who had dropped out of school. All its members were volunteers.

58. In 1956, Tunisia had adopted a Personal Status Code, which made it unique in the region as far as protection of the rights of the family, women

and children was concerned. New reforms since then had strengthened those achievements. Family and child-related questions were national priorities. In 1991, Tunisia had ratified the Convention on the Rights of the Child. In 1995, it had established a Children's Protection Code, which guaranteed the child's right to an identity and respect for his or her privacy, health, a healthy environment, decent living conditions, education, and protection against all forms of exploitation, violence, physical, psychological or sexual ill-treatment, abandonment or neglect.

59. Together with its legislative efforts, Tunisia had set up protection mechanisms such as the children's protection officers, whose job was to attend to the difficulties which children might be encountering and help resolve them.

60. Some ambitious reforms had been undertaken in the area of education. A law enacted on 29 July 1991 had made education compulsory and free for all children up to the age of 16. The school enrolment rate for children aged 6 to 12 stood at 93.1 per cent. At the secondary level, girls accounted for 48 per cent of pupils enrolled.

61. Aware of the danger to human rights posed by selectivity, politicization and the absence of solidarity throughout the world and of their devastating effects on children, his organization appealed to all members of the international community to be guided solely by the interests of children in all their actions.

62. Mr. EIBNER (Christian Solidarity International) said that he would address the tragic situation of innumerable women and children caused by the revival of chattel slavery in the Sudan. According to evidence obtained by his organization during 11 fact-finding visits since 1995, the Popular Defence Force of the National Islamic Front (NIF) and the regular army continually abducted people and forced them into slavery. In recent years, many black young mothers and children from northern Bahr El Ghazal had been captured in raids; in February 1998, scores of children had been enslaved in raids near Aweil and Nyamlell. They were forced to work without pay and were beaten, starved, forcibly converted and raped; girls were subjected to genital mutilation. As indicated in the report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1998/66), there were no signs that the Sudanese Government was taking any steps to abolish slavery.

63. Slavery, a crime against humanity, was being practised by the Khartoum regime on a massive scale. It was therefore surprising that the draft resolution on slavery contained no reference to past and contemporary slavery in the Sudan. His organization urged the Commission to rectify that omission and condemn NIF's role in the slave trade, and to mention that tragic problem in the resolution on the Sudan. It also urged the High Commissioner and the Secretary-General to lend their support to the establishment of a UNICEF-sponsored programme to locate and facilitate the return of slaves to their families, and the Security Council to enforce and intensify existing sanctions against the Sudanese slave State. It was time to end the ijihad mentality, which included slavery, particularly of women and children as war booty, in the Sudan and elsewhere.

64. Ms. LEGRAND (Fraternité Notre-Dame) said that her organization, which considered children to be society's future, focused its work on helping children in distress. It introduced measures on a small scale, but hoped that States would take large-scale emergency measures to prevent the violation of children's rights. It made regular visits to imprisoned children, some of whom spent years awaiting trial while being treated as cattle. It established free education centres for orphaned or abandoned children, concerned at seeing destitute children in developing countries who were unable to meet their basic needs, forced to pay rich and powerful majority religious organizations a few pennies for an hour or two of elementary instruction. It took in disabled and sick children, primarily in Haiti and Africa, and tried to improve their physical, emotional and intellectual health. After a period in the organization's follow-up centres, the children gradually managed to eliminate the aggressive and violent feelings within them, which ultimately helped a country to maintain domestic peace. Her organization was also concerned at the deep-rooted discrimination against girls, who were not sent to school and were confined to housework. Children were too often the victims of a host of injustices, and some of them had no choice but prostitution or pornography to remain alive. It was disgraceful that a majority religious group in Mongolia could concern itself with building a house of worship while children were starving and freezing to death.

65. Ms. PEREZ (Brazil), speaking in exercise of the right of reply, said she regretted that the Jubilee Campaign, despite the ample information it had received through the Brazilian Embassy in London on measures taken by her Government and NGOs to protect and promote the rights of children, including measures to curb violence against street children and help them integrate into society, had chosen to present a distorted and exaggerated picture of the situation. The Jubilee Campaign also seemed to ignore the fact that recently-adopted legislation in Brazil had transferred to the civil courts competence to prosecute and try military policemen involved in homicides or torture of civilians. Moreover, the Chamber of Deputies had approved, and the Senate was considering, a bill that expanded the competence of the civil courts to prosecute crimes committed by military policemen.

66. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 20.

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 22)
(E/CN.4/1997/99)

67. Mr. Chak Mun SEE (Observer for Singapore) said that he strongly disagreed with draft resolution E/CN.4/1998/L.93, submitted by the delegation of Finland. National defence was a fundamental right under international law. Article 29 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights recognized that the exercise of the rights and freedoms of the individual was subject to the limitations of ensuring public order and the general welfare of society. Where a State had established a compulsory military service system, allowing people not to perform military service compromised the principle of equality before the law. Whereas some States had chosen to establish a standing army, compulsory military service was the only way for small States to build up a credible national defence.

68. His delegation objected to paragraph 7 of the draft resolution, in which States were encouraged, subject to the circumstances of the individual case meeting the other requirements of the refugee definition as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to conscientious objectors compelled to leave their country of origin because they feared persecution owing to their refusal to perform military service and there was no, or no adequate, provision for conscientious objection to military service. That was tantamount to suggesting that deserters, too, should be given refugee status and thus United Nations protection, even in their homeland. He understood the logic in suggesting that a State should consider granting political asylum to those fleeing from participation in an internationally condemned war, but it was a different matter to grant refugee status to those who defied their national laws and refused to perform their national duty with respect to military service, even during peacetime.

69. Ms. PARES (Pax Romana) said that, despite Commission resolution 1995/83, a large number of countries still did not recognize the right to conscientious objection. Furthermore, in many countries which observed that right the laws enacted to regulate it were insufficient and unfair. For example, the alternative service legislation in Greece did not follow international guidelines such as the European Parliament resolutions. Spanish objectors were obliged to perform alternative service that was longer than military service. The draft resolution before the Commission reminded States of the recommendation that alternative service must be in the public interest. Such a vague concept, however, had led to problems in that many companies and associations used objectors as free labour, and thus contributed to unemployment. On the other hand, the non-fulfilment of services by objectors could lead to unduly harsh punishment.

70. Her organization drew the Commission's attention to the situation in two countries where the right to conscientious objection was not observed: the Sudan and Turkey. In the Sudan, the Government used unlawful means to force students and State employees to enlist in the armed forces. In May 1997, the Minister of Justice had decided that students who were admitted to universities would be compelled to spend 12 months in training camps before matriculating and that students who failed to matriculate would be conscripted for 18 months. Since September 1997, the Sudanese authorities had been moving students from the training camps to the war zone. The living conditions in the camps were so bad that the students called them "death camps". The Commission must urge States which had not yet done so to take the necessary measures to permit exercise of the right to conscientious objection.

71. Ms. BRETT (Friends World Committee for Consultation (Quakers)) said that, for more than 300 years, Quakers had refused to participate in war, believing that it was wrong to kill or train people to kill. It was on those grounds that they claimed the right to conscientious objection, which was a fundamental component of the right to freedom of thought, conscience and religion, as recognized by the Commission and the Human Rights Committee. She welcomed the fact that those bodies had recommended that individuals should be permitted to register as conscientious objectors at any point in time, before conscription, after call-up papers had been issued or during military service.

She also welcomed the concern expressed by the Human Rights Committee about the practice of calling up again conscientious objectors who had already been imprisoned for refusing to do military service.

72. However, many States had not yet translated the international standards into reality. A useful new tool in that regard was the World Survey of Conscription and Conscientious Objection to Military Service being undertaken by NGOs, which brought together documentation on relevant laws and regulations on a country-by-country basis. Her organization called for the immediate and unconditional release of all persons detained in violation of their right to register their conscientious objection to military service or to perform non-punitive alternative service of a purely civilian character, and called on the Commission to adopt by consensus the draft resolution on conscientious objection to military service.

73. Mr. MONOD (War Resisters International) drew the Commission's attention to the situation of Kosovar conscripts in the army of the Federal Republic of Yugoslavia who had chosen to flee the country; they were considered by that army to be deserters because they had refused to fight against their fellow citizens in Croatia and Bosnia. His organization demanded that the countries where they had found refuge should allow them to remain until the situation in Kosovo was clarified and peace returned. As similar situations were occurring in Turkey and other countries beset by civil war, those who refused to participate in military operations should be protected by an additional article to the resolution on conscientious objection, which would give enlisted soldiers the right to refuse to participate in a military operation of which they could not approve in conscience, as well as an article guaranteeing them refugee status in the countries to which they had fled.

74. He also drew the Commission's attention to the use made by warring countries of internationally prohibited weapons such as chemical weapons and anti-personnel mines. Conscripts who refused to use such weapons should also be protected by the resolution.

75. Violations of human rights were occurring in Paraguay and other Latin American countries, where young boys were arrested and forcibly enlisted in the army. He denounced the Sudanese practice of abducting young boys and forcibly enlisting them in the army, and the massacre in Khartoum of young recruits who had tried to escape from a military camp. His organization demanded an investigation of those dreadful acts.

76. Mr. KIRCHER (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, despite the existence of a favourable international legislative framework the right to conscientious objection was not yet fully respected in all States, as indicated in the Secretary-General's report (E/CN.4/1997/99). He was deeply concerned at the acts of repression and cruel and degrading treatment inflicted on people who registered their conscientious objection to military service, particularly soldiers in barracks. In Chile, it was reported that between July 1995 and 1997 at least 22 soldiers had died as a result of ill-treatment or accidents or had committed suicide during their military service. In most Latin American countries, military service was still compulsory and anyone who refused to serve was punished in accordance with the Code of Military Justice. The right

to conscientious objection must be recognized for everyone, laws must be enacted to enforce it, States must be required to provide young people with all the information they needed about conscientious objection and, in countries where it was not recognized, objectors must be tried by civilian courts. In such countries, furthermore, the sons of people who had been made to disappear or murdered by members of the security forces should be exempted from compulsory military service.

77. Ms. MUNSHI (International Institute of Peace) expressed her organization's appreciation for the report of the Secretary-General prepared pursuant to Commission resolution 1995/83. The issue of conscientious objection had been before the Commission since 1971; in the recent past there had been many instances where States had refused to accept conscientious objection to military service. During the Gulf war, the United States had failed to adhere to United Nations standards recognizing conscientious objection as a basic human right. In some countries, members of minorities had been made to perform military service. Problems arose when soldiers from ethnic minority groups were deployed in their native regions. Such circumstances had led to soldiers deserting the Yugoslav army in 1991 and to the refusal of some Russian officers to fight against civilians in Chechnya in 1994. Far from encouraging disobedience, she considered such developments to be positive checks against the undiscerning use of force against political opponents.

78. The United Nations should continue to take an interest in the question of conscientious objection to military service and ensure that nations did not adopt a subjective approach. Her organization suggested that States should set the age of recruitment for military service at 20. Further, the State must recognize the citizen's right to conscientious objection for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian or similar principles.

79. Ms. JEGEN (Pax Christi International) said that, as the question of military service primarily concerned young people and as young people were the chief victims of conflicts, it was understandable that an NGO concerned with youth had brought the issue of conscientious objection before the Commission. The right of conscientious objection as applied to soldiers in regular armies in conflicts between States was not available to the soldiers of irregular forces. In recent years, internal conflicts in which individuals were forced to join in the bloodshed decreed by the leaders of their communities in the name of ancient hatreds had reached such dread proportions that they had earned the term "genocidal", as in parts of Africa and eastern Europe.

80. It was for situations like the above that her organization urged the Commission to pass a broader, more concrete resolution on the right to refuse to kill. Such a resolution would help to make dissent from violent conflict more acceptable in communities where violence was customary. It would also serve as a reminder, in the year marking the fiftieth anniversary of the Universal Declaration of Human Rights, that there were human rights that were truly universal and inherent in every person, even an enemy, and would contribute to a transformation of human consciousness.

81. Ms. CRAS (Women's International League for Peace and Freedom) said that the Secretary-General's report on the question of conscientious objection to military service (E/CN.4/1997/99) gave a good picture of the implementation, and especially non-implementation, of that right. So far there were 69 States which had no conscription and 24 which provided for civilian or unarmed military alternative service. Yet it was in the interest of any society to prevent young men from being taught at an impressionable age to resort to violence and force.

82. In some countries, objection to military service was an offence which gave rise to severe punishment, especially in time of war. In countries where there were long-term states of emergency, conscientious objectors were even liable to the death penalty. That being the case, it was disappointing that no country had responded to the Secretary-General on the question of granting asylum to conscientious objectors whose lives were in danger. She requested the Secretary-General to include in his following report information on the measures taken by Governments with respect to persons who refused to pay taxes which were directed to military costs.

83. As a peace organization, the League denounced the concept of war as an institutionalized norm for which preparation was reasonable. The future depended upon building a culture of peace, which was based on recognition of conscientious objection to military service and on the release of prisoners of conscience. The possibility should be explored of allowing conscientious objectors to participate in United Nations peacekeeping and other humanitarian missions.

84. The CHAIRMAN said that the Commission had thus concluded its discussion of agenda item 22.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 21)
(E/CN.4/1998/45, 104 and Corr.1 and 2, and 122; E/CN.4/1998/NGO/68 and 92)

85. Ms. PEREZ (Brazil) said that the World Conference on Human Rights and its Declaration and Programme of Action had fostered progress in human rights and democracy in her country. The preparation process for the Conference had coincided with the attainment of democratic stability in Brazil, and provided an opportunity for all sectors of society to press for advancements in human rights policies and to participate in the preparatory process itself. In Vienna, the Brazilian Minister of Justice, the head of the Brazilian delegation, had met with national NGOs attending the Conference.

86. The Vienna Declaration and Programme of Action had provided the main source of inspiration when Brazil had designed its national programme of action on human rights, on the basis of broad consultations with NGOs, academic specialists and other representatives of civil society. Brazil had submitted its contribution to the report of the High Commissioner on the Five-year Review of the Implementation of the Vienna Declaration and Programme of Action, and it was clear that, although much remained to be done, significant progress had been made. The executive, legislative and judicial powers, together with civil society, were accountable for domestic observance of Brazil's international commitments. Implementation of the national programme of action on human rights was monitored by a group of independent

experts and by the human rights commission of the Federal Chamber of Deputies. The National Committee on the Rights of the Child, the Inter-Ministerial Working Group for the Promotion of the Black Population, the National Forum against Violence in Rural Areas and the National Forum for the Elimination of Child Labour used the programme of action as a yardstick for their activities.

87. As to the implementation of the Declaration and Programme of Action at the international level, Brazil acknowledged the efforts made by the High Commissioner to enhance coordination within the United Nations system for the promotion of democracy, development and human rights through international cooperation. Regrettably, although there was consensus on the need for global partnership, the resources allocated, especially for the developing countries, were still insufficient.

88. In conclusion, she recalled the suggestion, made by Brazil's National Secretary for Human Rights at the beginning of the session, that the Commission should produce a periodic report on human rights in all countries, without exception; its work might thus gain in impartiality and universality. The common yardstick of the report might be the implementation of the Vienna Declaration and Programme of Action, since, despite the differences in their commitments regarding the human rights instruments, virtually all States had participated in the adoption of the Vienna final document.

89. Mr. Gallegos Chiriboga (Ecuador) resumed the Chair.

90. Mr. WANG Min (China) said that the first five-year review of the implementation of the Vienna Declaration and Programme of Action, to be conducted by the Economic and Social Council and the General Assembly in 1998, would have a significant influence on human rights activities in the next century. Despite the many positive results achieved in implementing the Declaration and Programme of Action, in particular through dialogue and cooperation in the field of human rights, many difficulties remained.

91. To help overcome those difficulties, his delegation suggested that, first, the principles contained in the Declaration and Programme of Action should be reaffirmed and fully put into practice, and in particular that activities to promote and protect human rights should be carried out in accordance with the purposes and principles of the Charter of the United Nations and international law and with specific national and regional features in mind. Secondly, to enhance international cooperation in the field of human rights, countries should promote the settlement of differences through dialogue and cooperation on the basis of equality and mutual respect. Thirdly, the right to development and economic, social and cultural rights should be accorded the same importance as civil and political rights in all United Nations human rights activities. Fourthly, the working methods of the Commission should be reformed, and politicization and double standards rejected.

92. His Government supported the High Commissioner for Human Rights in her efforts to promote dialogue, cooperation, and the realization of the right to development and economic, social and cultural rights. Her visit to China in 1998 would further enhance mutual understanding and strengthen cooperation between China and the United Nations in the field of human rights.

93. Mr. MOLINA VALDIVIESO (Chile) said that the World Conference on Human Rights, in which a large number of Governments, intergovernmental organizations and NGOs had participated, had demonstrated the importance of international dialogue in the field of human rights for the new international order of the 1990s, shaped by progress in democracy. However, although some of the provisions of the Vienna Declaration and Programme of Action, such as the appointment of a United Nations High Commissioner for Human Rights, had been fully implemented, further efforts were needed in other areas. Chile hoped that the necessary critical analysis would be brought to the five-year review of the implementation of the Declaration and Programme of Action, including in the Economic and Social Council and the General Assembly.

94. Earlier in the session, the Deputy Minister for Foreign Affairs of Chile had had high praise for the work of the High Commissioner; that work should be given the support of the entire international community. Another encouraging development was the fact that the Commission had adopted the draft declaration on human rights defenders, which might soon be ratified by the General Assembly, perhaps on 10 December 1998, the fiftieth anniversary of the Universal Declaration. Other positive results were the near universal accession to the Convention on the Rights of the Child and the eradication of the abhorrent practice of apartheid. He also welcomed the progress achieved towards recognition of the identity of indigenous peoples, and hoped that the work on the draft United Nations declaration on the rights of indigenous people and on the permanent forum in the United Nations for indigenous people would shortly be concluded.

95. The international community must continue to strongly condemn the persecution of a number of minorities. To put an end to such practices, Chile hoped that the idea of establishing an international criminal court would rapidly be put into practice.

96. Lastly, it was important to continue strengthening the right to development as a fundamental right. Chile fully endorsed the principles of the universality, interdependence and indivisibility of all human rights. It reaffirmed its support for all treaty-related and other mechanisms which contributed to observance of human rights and fundamental freedoms and the ending of human rights violations; and it believed that the evaluation of the implementation of the Declaration and Programme of Action should include a reaffirmation of the importance of those mechanisms.

97. Ms. LEHMANN (Denmark) said that the High Commissioner's report should have been the first substantive item on the Commission's agenda, setting the tone for all the work of the session. Her delegation was encouraged to see that the Chairman held similar views about the future work of the Commission.

98. The High Commissioner had submitted a valuable document, but one that appeared to lack an overview of the dialogues she was conducting with Governments and the prospects those dialogues were affording for the improvement of the human rights situation in the countries concerned. Admittedly, the High Commissioner had not yet had the time to engage fully in such substantive dialogues with Governments, but the Danish delegation hoped that they would be a central feature of her activities in the years to come. It would also be helpful if, together with the report, a document was issued

indicating which countries had been visited by the Commission's special rapporteurs, working groups and special representatives, as well as those countries which, for whatever reason, had not been able to respond positively to a requested visit. Such information would help the Commission to function in a more focused and effective manner.

99. Denmark provided active support, financially and otherwise, for the High Commissioner's Office in the areas of field operations, the advisory services programme and the country offices. It hoped that, under the High Commissioner's influence, a more reasonable percentage of the United Nations regular budget would in future be allocated to human rights activities, corresponding to the importance attached to them by the world community and the recommendations of the World Conference. Governments' financial contributions must be consistent with their stated intentions.

100. Mr. STROHAL (Austria) said that, five years after the adoption of the Vienna Declaration and Programme of Action, the discussion of the follow-up to the World Conference on Human Rights, together with the fiftieth anniversary of the Universal Declaration of Human Rights, provided the framework for Human Rights Year (1998). As in previous years, his country, which had had the honour of hosting the World Conference, had circulated for observations a draft resolution on the item, and hoped that many States would co-sponsor it. The "Vienna+5 Review" would provide an opportunity for assessment and stocktaking of the progress achieved, as well as failures and shortcomings of Governments in living up to the commitments they had undertaken. It would also address the role of the United Nations system in contributing to better observance of human rights. In addition, it offered an opportunity to civil society worldwide to contribute actively to the review.

101. In the United Nations, the coordination segment of the 1998 session of the Economic and Social Council would be devoted to the follow-up to the Vienna Declaration and Programme of Action by the entire United Nations system. The progress made since the World Conference would be discussed by the General Assembly on the basis of a comprehensive report by the High Commissioner for Human Rights.

102. Austria was currently completing its national report on measures taken and progress achieved, and also shortcomings, in the implementation of the Declaration and Programme of Action. An inter-departmental working group had been asked to undertake a comprehensive review of Austrian legislation and practice in all spheres of government with regard to international human rights standards and the recommendations of the Declaration and Programme of Action. In addition, an Austrian National Committee for Human Rights Year (1998) had been established, composed of representatives of federal and provincial governments, political parties represented in Parliament, NGOs and the media. It conducted wide consultations in Austrian society, which was an active but also critical partner in the process: the NGOs had formed a national platform for Human Rights Year and undertaken many activities, in particular a critical review of the Government's performance in the follow-up to the World Conference.

103. As to the development of the United Nations human rights programme, his delegation was of the firm view that significant progress had been achieved

through the World Conference in two broad areas: the strengthening of human rights standards and the strengthening of the machinery for the protection and promotion of those standards. Regarding the first achievement, the Declaration and Programme of Action had reaffirmed the universality of human rights and clearly established that, regardless of historical, cultural and religious backgrounds, it was the duty of all States to promote and protect all human rights and fundamental freedoms. The indivisibility of all human rights - both in substantive terms and in terms of the beneficiaries - required that all human rights - civil, cultural, economic, political and social - were fully implemented. At its current session, the Commission had taken a number of important steps in that regard. Since the World Conference, the concept of the right to development had been sharpened, both through intergovernmental debate and through practical measures at the national level. In addition, the Declaration and Programme of Action had underlined the fact that indivisibility must also mean that human rights were guaranteed for all. That was particularly true of the rights of women: the World Conference, together with the Beijing Conference, had made an important contribution in placing women's rights in the mainstream of the human rights programme.

104. The World Conference had also initiated a number of measures to improve United Nations human rights machinery. The most important and visible outcome of the Conference had been the establishment of the post of High Commissioner for Human Rights. The High Commissioner was the leader and coordinator of all human rights activities within the United Nations system, engaged in dialogue with Governments on human rights issues, and was in charge of technical assistance and field missions. On the basis of that broad mandate, Mr. Ayala Lasso, followed by Ms. Robinson, had given stronger meaning to United Nations action in the field of human rights.

105. Since the World Conference, the emphasis of the Organization's human rights work had increasingly shifted from conference rooms to the field. That was particularly true of technical assistance: the World Conference had called for a comprehensive programme within the United Nations to assist States in building and strengthening national human rights structures and capacities. Since then, the technical assistance projects of the Office of the High Commissioner for Human Rights had increased substantially; other parts of the United Nations system were also actively involved in that area. The other major development had been the establishment of a human rights field presence in a number of countries.

106. Those new developments had led to a fundamental change concerning the place of human rights within the United Nations system. Five years after the World Conference, human rights were indeed one of the core activities of the United Nations; and whether peace, security or development cooperation was involved, the human rights dimension was increasingly integrated into overall United Nations policies and activities. The High Commissioner's report provided a good overview of those aspects.

107. There were also a number of areas where the international community had failed or where progress had so far been unsatisfactory. One such area concerned the shortcomings in translating international human rights standards into reality at the national level. In general, some progress had been made

towards the goal of universal ratification of the core human rights treaties, as set out in the Declaration and Programme of Action. However, progress was uneven - particularly concerning the Convention against Torture - and to some extent offset by States' tendency to enter general and far-reaching reservations. As agreed at the World Conference, that important issue should receive special attention during the "Vienna+5 Review". The real test for international human rights standards lay in their national implementation. Austria therefore hoped that all Governments would use 1998 to take additional measures to better implement their international human rights commitments.

108. In the current anniversary year, human rights continued to be violated in all parts of the world. Although some of those violations made the headlines, most, and the suffering they produced, went unnoticed. A number of Governments remained unacceptably unwilling to assume full responsibility and to take the necessary measures to bring such violations to an end or to accept the support and assistance of the international community.

109. The special procedures of the Commission played an important role in assisting countries to address human rights violations. The Declaration and Programme of Action called upon all States to cooperate fully with those procedures. The recommendation to strengthen the system of special procedures had so far remained largely unfulfilled. That inaction put the entire system of special procedures increasingly at risk, particularly in the light of the steady increase in mandates and activities. Furthermore, proper action had not yet been taken on the request of the World Conference for immediate steps to increase substantially the resources allocated to human rights within the United Nations regular budget.

110. His delegation looked forward to the results of national evaluations of the measures taken to live up to commitments made at the World Conference and to a fruitful "Vienna+5 Review".

TRIBUTE TO THE MEMORY OF MR. EDUARDO UMAÑA MENDOZA, HUMAN RIGHTS DEFENDER

111. The CHAIRMAN said that, four weeks after the Commission had adopted the report of the Working Group on a draft declaration on human rights defenders, one of those defenders, Mr. Eduardo Umaña Mendoza, who had been an active participant in several sessions of the Commission, had been murdered in Bogotá on 18 April.

112. At the invitation of the Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Eduardo Umaña Mendoza, human rights defender.

113. Mr. DIAZ URIBE (Observer for Colombia) said that his Government condemned the heinous murder of Eduardo Umaña Mendoza, a renowned lawyer and well-known defender of human and trade-union rights. That murder and other recent murders of human rights defenders and political leaders in Colombia reflected the brutality of those who rejected peace and respect for fundamental rights and international humanitarian law. It was no accident that Eduardo Umaña Mendoza and María Arango de Marroquín had been murdered and that other Colombians working for peace, within or outside the Government, had been threatened at the very time when the Colombian Government and the

National Liberation Army had announced the signing of letters of intent in preparation for an agreement based on international humanitarian law and forming part of the process followed by the International Commission of Inquiry, in accordance with the Additional Protocols to the 1949 Geneva Conventions.

114. The minute's silence in tribute to the memory of Mr. Eduardo Umaña Mendoza should also be observed in the name of other human rights defenders and political leaders murdered in Colombia.

115. Mr. SOTTAS (World Organization against Torture), also speaking on behalf of International Human Rights Service and a number of other NGOs, said that he was deeply dismayed at the abhorrent murder of Mr. Eduardo Umaña Mendoza. That eminent jurist, professor of criminal law, member of the Colombia Bar and member of the Executive Council of the World Organization against Torture from 1988 to 1994, had been actively involved in the cause of human rights since the 1970s. The many murders of indigenous, trade-union, agrarian and other leaders in Colombia had led Mr. Umaña Mendoza to publicly denounce the repressive mechanisms and groups within the Colombian security bodies, the army's responsibility in the dirty war, the role of certain civilian authorities in the repression, the role of the military courts in human rights violations, the responsibility of the prosecution services in persecuting social and trade-union organizations on the basis of false charges, the impunity enjoyed by certain leaders, etc. Mr. Umaña Mendoza had also defended many people prosecuted for political reasons and had investigated hundreds of enforced disappearances. His devoted action in support of human rights, dignity, justice and peace had earned him an international reputation. His murder pointed up the immense contradiction between the Colombian authorities' statements in international forums and the existence of a clear desire physically to eliminate human rights defenders. The heinous crime in question committed shortly after the statement by the Chairman of the Commission praising the supposed efforts of the Colombian authorities in the field of human rights, once again highlighted the actions of those who were trying to secure impunity for the perpetrators of crimes against humanity and to silence those who fought for truth, justice and dignity.

116. His organization and International Human Rights Service expressed their condolences to Mr. Umaña Mendoza's family. They urged the Colombian authorities to open an immediate inquiry into the murder, identify those responsible and punish them severely, and also to put an end to the activities of extermination groups, whatever their links with bodies or individuals in positions of authority. They called on the Commission strongly to condemn that crime and do everything in its power to enable the High Commissioner for Human Rights to open an inquiry into the case and provide a full account in her next report. In view of the high number of victims in Colombia, they urged the High Commissioner to take all necessary steps to enable her office in Colombia to intercede on behalf of human rights defenders.

The meeting rose at 6.10 p.m.